JC893 U.S. PTO 10/13/01

Practitioner's Docket No. 18950-68 ***PATENT***

J1000 U.S. PTO 09/976718 10/13/01

Preliminary Classification:
Proposed Class:
Subclass:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW DIVISIONAL APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventors: Jorma Virtanen

For (title): SPATIALLY ADDRESSABLE CLEAVABLE REFLECTIVE SIGNAL ELEMENTS, ASSAY DEVICE AND METHOD

0005350 = 10/13/01

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date October 12, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL585705510US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Florence Thys-Doucet
(type or print name of person mailing paper)

Florence Thys-Doucet
Signature of person mailing paper

1. Type of Application

This new application is for a(n)

(check one applicable item below)

☒ Original (nonprovisional)

☐ Design

☐ Plant

2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

☒ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

72 Pages of specification

9 Pages of claims

34 Sheets of drawings as originally filed in the parent Serial No. 09/632,224

(complete the following, if applicable)

☐ The enclosed drawing(s) are formal(s) drawings.

☒ formal

☐ informal

B. Other Papers Enclosed

2 Pages of declaration and power of attorney

1 Pages of abstract

1 Other ① **Revocation/Appointment of Power of Attorney or Authorization of Agent**
② **Statement Under 37 CFR 3.73(b)**

4. Additional papers enclosed

☒ Amendment to claims

☒ Cancel in this application claims 2-52 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☒ Preliminary Amendment

☐ Information Disclosure Statement (37 C.F.R. § 1.98)

☒ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

☐ Declaration of Biological Deposit

☒ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence

☐ Authorization of Attorney(s) to Accept and Follow Instructions From Representative

☐ Special Comments

☐ Other

5. Declaration or oath (including power of attorney)

☒ Enclosed

Executed by

*(check **all** applicable boxes)*

☒ inventor(s)

☐ legal representative of inventor(s). 37 C.F.R. §§ 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by C.F.R. § 1.47 is also attached. *See* item 13 below for fee

☐ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).

☐ Showing that the filing is authorized. *(not required unless called into question. 37 C.F.R. § 1.41(d))*

6. Inventorship Statement

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. Language

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

8. Assignment

☒ An assignment of the invention to Burstein Laboratories Inc.

and which changed it's name to Burstein Technologies Inc. The Burstein Technologies and the recordal of the transfer of ownership of this patent is:

☒ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is enclosed.

☐ will follow ☒ Recorded on May 22, 2001, at Reel 011597 Frame 0525.

PTO/SB/05 (08-00)

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln No.	Filed
Country	Appln No.	Filed
Country	Appln No.	Filed

from which priority is claimed

☐ is (are) attached).

☐ will follow.

10. Fee Calculation (37 C.F.R. § 1.16)

A. ☒ Regular application

CLAIMS AS FILED

Number Filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) $740.00
Total Claims (37 C.F.R. § 1.16(c))	1 - 20 =	x $ 18.00	
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 =	x $ 84.00	
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))		x $260.00	

☐ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation $ **740.00**

B. ☐ Design application ($310.00—37C.F.R. § 1.16(f))

Filing Fee Calculation $_____

C. ☐ Plant application ($480.00—37 C.F.R. § 1.16(g))

Filing Fee Calculation $_____

11. Small Entity Statement(s)

☒ Statement(s) that this is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27 is (are) attached.

(complete the following, if applicable)

☒ Status as a small entity was claimed in the prior application

09 / 09/632,113, filed on August 3, 2000, from which benefit is being claimed for this application under:

35 U.S.C. § ☐ 119(e),
☒ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

☒ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of **A**, **B** or **C** above)

$ **370.00**

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

(complete, if applicable)

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

☒	Filing Fee	$1153.00
☐	Recording Assignment ($40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	$_____
☐	Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached ($130.00; C.F.R. §§ 1.47 and 1.17(i))	$_____
☐	For processing an application with a specification in a non-English language ($130.00; 37 C.F.R. §§ 1.52(s) and 1.17(k))	$_____
☐	Processing and retention fee ($130.00; 37 C.F.R. §§ 1.53(d) and 1.21(i))	$_____
☐	Fee for international-type search report ($40.00; 37 C.F.R. § 1.21(e))	$_____
	Total fees enclosed	$ 1153.00

14. Method of Payment of Fees

☒ Check in the amount of $ 1153.00

☐ Charge Account No. _____ in the amount of $_____.
A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the pendency of this application to Account No. **16-2230**.

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

☒ 37 C.F.R. § 1.17 (application processing fees)

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

16. Instructions as to Overpayment

☒ Credit Account No. **16-2230**

☐ Refund

Dated: October 12, 2001

Guy Porter Smith, Reg. No. 20,142
OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, Suite 3800
Los Angeles, California 90067
(310) 788-5000

☒ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 1

☒ Plus Added Pages for Papers Referred to in item 4 Above

Number of pages added 12

☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application

Number of pages added _____

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☐ This transmittal ends with this page.

PATENT
Client/Matter No. 18950-68

I hereby certify that on October 12, 2001, this document (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, Express mail, in an envelope addressed to the Assistant Commissioner for Patents, Box Patent Application Washington, D.C. 20231 **Express Mail No. EL585705510US**

Florence Thys-Doucet

Applicant: Jorma Virtanen
Serial No.: To Be Assigned
Filed: October 12, 2001
Title: Assay Device and Method
Examiner: Unknown
Group Art Unit: Unknown

Parent App. Serial No. 09/632,113
Filed: August 3, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attn: Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

DIVISIONAL APPLICATION TRANSMITTAL

Sir:

Enclosed please find the new Divisional Application. Also included is:

1. A preliminary amendment;
2. the original specification as filed in the parent;
3. the declaration and power of attorney as filed in the parent;
4. the small entity statement from the parent;
5. a revocation/appointment of power of attorney;
6. the assignment from the parent;
7. the information disclosure statement from the parent;
8. the sequence listing in computer readable form (disk) and hard copy (paper); and
9. check number 23895 in the amount of $1,153 for the filing fee.

Respectfully submitted,

October 12, 2001

Guy Porter Smith, Reg. No. 20,142
Attorney for Applicant

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Los Angeles, CA 90067-3024
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ADDED PAGE(S) FOR SPECIAL COMMENTS FOR NEW APPLICATION TRANSMITTAL

THIS APPLICATION IS A DIVISIONAL APPLICATION OF COPENDING SERIAL NO. 09/632,113 FILED ON AUGUST 3, 2000 WHICH IS A CONTINUATION APPLICATION SERIAL NO. 09/419,407, FILED ON OCTOBER 15, 1999; WHICH IS A CONTINUATION OF 09/394,137, FILED ON SEPTEMBER 10, 1999; WHICH IS A CONTINUATION OF 08/888,935, FILED ON JULY 7, 1997; WHICH IS A CONTINUATION-IN-PART OF UNITED STATED STATES PROVISIONAL APPLICATION 60/021,361, FILED ON JULY 8, 1996, AND UNITED STATES PROVISIONAL APPLICATION 60/030,416, FILED ON NOVEMBER 1, 1996.

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